IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37746 of 2007(R)

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PETITIONER:

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SHAJI VARGHESE,
SUSAN AGENCIES,
KALOOR, KOCHI – 19.

BY ADV. SRI.GEORGE VARGHESE (MANACHIRACKEL)

RESPONDENTS:

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1. THE DEPUTY TAHSILDAR (RR),
KANAYANNUR TALUK.

2. THE DISTRICT LABOUR OFFICER,
ALAPPUZHA.

3. THE REGIONAL JOINT LABOUR COMMISSIONER,
KOLLAM.

4. K.PANKAJAKSHAN,
KANDATHIL VEEDU,
PAZHAVEEDU,
ALLEPPEY – 9.

BY SMT.N.SUDHA DEVI, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**S. SIRI JAGAN, J.**

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**W.P.(C)No.37746 OF 2007**

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Dated this the 19th day of December, 2007

**JUDGMENT**

The petitioner is the opposite party in a gratuity claim filed by the 4th respondent which ended in Ext.P1 order in favour of the 4th respondent. Against the same, the petitioner has filed Ext.P2 appeal before the 3rd respondent. In the meanwhile the revenue authorities have initiated proceedings for recovery of the amounts by issuing Ext.P5 notice. The petitioner is challenging Ext.P5 revenue recovery notice. When it was pointed out to the learned counsel for the petitioner that for maintaining Ext.P2 appeal the Payment of Gratuity Act requires that the petitioner shall deposit the amount computed by the controlling authority, the petitioner seeks some time to deposit the same as required.

2. I have heard the learned Government pleader also. In the facts and circumstances of the case, I dispose of this writ petition with the following directions:

The petitioner shall deposit the amounts covered by Ext.P1 before the 2nd respondent within two weeks from today. If it is so

deposited, further proceedings pursuant to Ext.P5 shall be dropped. However, if the petitioner fails to deposit the amounts as above, the 1st respondent would be free to proceed with Ext.P5 without having to issue any fresh notice or proceedings in that regard. If the amount is so deposited, the 3rd respondent shall dispose of Ext.P2 appeal as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

**S. SIRI JAGAN, JUDGE**

Acd